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ADMINISTRATION OF JUSTICE

Question of human rights and states of emergency

List of States which have proclaimed or continued a state of emergency

Report of the Office of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights decision 1998/108

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Introduction

1. The present report is prepared pursuant to decision 1998/108 of the Commission on Human Rights, which requested the Office of the United Nations High Commissioner for Human Rights to submit to the fifty-first session of the then Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and every second year thereafter, a list of States in which a state of emergency was proclaimed or continued during the reporting period.

2. Under article 4 (3) of the International Covenant on Civil and Political Rights, States parties availing themselves of the right of derogation are to inform the other States parties immediately, through the Secretary-General, of the derogations it has made, including the reasons therefor and the date on which the derogations are terminated. However, for the period between July 1999 and May 2001, only a few notifications were received by the Secretary-General.

3. The Office of the United Nations High Commissioner for Human Rights has relied on information provided by United Nations sources, non-governmental organizations and international news agencies to draw up the requested list of States.

I. COUNTRIES OR TERRITORIES IN WHICH A STATE OF EMERGENCY HAD BEEN PROCLAIMED BEFORE JULY 1999 AND CONTINUED THEREAFTER

Algeria

The state of emergency decreed in 1992 is still in effect.

Source: Amnesty International Annual Report 2000.

Egypt

The state of emergency declared in 1981 remains in force.

Source: Amnesty International Annual Report 2000.

Indonesia

A state of emergency was declared on 27 June 2000 to cover the north and south areas of the Moluku islands, where religious violence broke out.

Source: International news agencies.

Israel

The state of emergency proclaimed in May 1948 has remained in force, notably in the occupied territories. The measure is extended regularly for 12 months.

Sources: Concluding observations of the Human Rights Committee on Israel 1998, and international news agencies.

Sierra Leone

On 10 March 2001, Parliament extended the state of emergency in place for six months, due to continuing fighting in different regions of the country.

Source: International news agencies.

Sri Lanka

A state of emergency has been in force for long periods since May 1983. The measure is extended monthly by Parliament due to the ongoing civil war that mostly affects the northern region of the country. Information was received on the derogation from articles 9 (2), 9 (3), 12 (1), 12 (2), 14 (3), 17 (1), 19 (2), 21 and 22.

Source: Notification of the Government to the United Nations Secretary-General dated 30 May 2000 and international news agency.

Syrian Arab Republic

Legislative Decree No. 51 of 9 March 1963 declaring a state of emergency is still in force.

Source: Concluding observations of the Human Rights Committee, 5 April 2001.

Turkey

The state of emergency in five provinces is in force, the measure being lifted in a sixth province in December.

Source: Amnesty International Annual Report 2000.

II. COUNTRIES OR TERRITORIES IN WHICH A STATE OF EMERGENCY WAS PROCLAIMED BETWEEN JULY 1999 AND MAY 2001

Bolivia

8 April 2000

A state of siege was declared by the President for 90 days after violent protests broke out in relation to economic issues, particularly a privatization project and anticipated sharp rises in water rates.

13 April 2000

The measure was approved by Congress.

20 April 2000

The Council of Ministers agreed to lift the state of siege.

Source: International news agencies.

Botswana

On 2 September 1999, a state of emergency was declared by the President to allow around 60,000 people to register for the 16 October general election. The measure was lifted on 6 September 1999, after it was decided to amend the Electoral Act.

Source: International news agencies.

Cote d'Ivoire

21 July 2000

A four-day state of emergency was declared by the military ruler who came to power after a coup d'état in December. The decision was taken in light of a forthcoming referendum on a new constitution.

4 December 2000

A state of emergency was declared in response to political unrest. A curfew was in place from 4 to 12 December.

8 January 2001

After a coup attempt, the Government imposed a curfew to last three nights.

Source: United Nations Integrated Regional Information Network (IRIN) and international news agencies.

Ecuador

5 July 1999

Presidential Decree 1041 declared the private and public transport systems in a state of emergency throughout the country in order to deal with a transport strike and to guarantee order, public safety, and the safeguard of public and private property.

6 July 1999

Presidential Decree 1051 extended the state of emergency in the Province of Guayas.

13 July 1999

Congress revoked Presidential Decrees 1041 and 1051.

13 July 1999

Presidential Decree 1070 declared a national state of emergency.

17 July 1999

Decree 1088 terminated the national state of emergency.

30 November 1999

A state of emergency in Guayas Province was established by Decree 1557 which indicated that the measure was taken in response to the serious internal disturbance which had produced a massive crime wave that continued to affect that province.

Subsequently, on 28 January 2000, the Government of Ecuador specified that the provisions from which it had derogated were articles 12 (1) and 17 (1) of the Covenant.

5 January 2000

Presidential Decree 1674 declared a national state of emergency that was motivated by the serious internal unrest caused by the economic crisis which Ecuador was experiencing.

The Government of Ecuador specified that the provisions from which it had derogated were articles 12 (1), 17 (1), 21 and 22 (1).

31 January 2000

Presidential Decree 30 extended the state of emergency in the Province of Guayas for 60 days.

2 February 2001

A state of national emergency was declared by Executive Decree 1214. The Decree stipulated that the measure was adopted to overcome the adverse consequences of the economic crisis affecting Ecuador which had created a situation of serious internal unrest.

The Government of Ecuador specified that the provisions from which it had derogated were articles 12, 17 and 21 of the Covenant.

9 February 2001

Executive Decree 1228 lifted the state of national emergency.

Source: Notifications of the Government to the United Nations Secretary-General dated 27 August and 9 December 1999, 6 and 28 January 2000, and 21 February 2001; Ecuador Official Registry; and Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J.".

Fiji

The President declared a state of emergency on 19 May 2000 after a coup attempt. A curfew was imposed from 8 p.m. to 5 a.m. in Suva, the capital.

Martial law was declared by the military on 30 May 2000. Between June and early November, a curfew remained in force but the hours were relaxed. On 2 November, there was an attempted mutiny. With the existing curfew in place, additional curfew hours were imposed from 8 p.m. on 2 November to 5 a.m. on 4 November. The curfew was lifted on 16 December.

At the end of May 2001, the Emergency Decree was still in effect.

Source: UNDP Suva Office and international news agencies.

Indonesia

On 7 September 1999, martial law was imposed in East Timor by the Government of Indonesia in order to try to stop the violence and turmoil in the territory which had started after the results of a referendum, favouring independence, were made public. The measure was lifted on 23 September 1999.

Source: International news agencies.

Liberia

A state of emergency was declared on 19 July 2000 in the northern town of Voinjama, due to fighting in Lofa County.

Source: IRIN.

Namibia

A state of emergency was declared on 9 August 1999 by the President in the Caprivi region for an initial period of 30 days, due to circumstances having arisen in this region that caused a public emergency threatening the life of the nation and the constitutional order.

Information was received on the derogation from articles 9 (2) and 9 (3) of the Covenant.

25 August 1999

Proclamation 27 revoked the declaration of a state of emergency and emergency regulations in Caprivi promulgated by Proclamations 23 and 24.

Source: Notifications of the Government to the United Nations Secretary-General dated 5 August and 10 September 1999.

Pakistan

A state of emergency was imposed throughout the country on 15 October 1999 by the military rulers who had come to power in a coup d'état. The measure suspended the National Assembly, the provincial assemblies and the Senate, and named General Pervez Musharraf as chief executive officer.

Source: International news agencies.

Paraguay

19 May 2000

Presidential Decree 8772 declared a state of siege throughout the country for 30 days. The decision to declare a state of siege was taken due to an attempted coup d'état.

20 May 2000

Congress approved Decree 8772.

21 May 2000

Presidential Decree 8778 stipulated that all meetings should be previously authorized by the police. However, meetings of activists and followers of the Unión Nacional de Colorados Eticos (UNACE) political movement were prohibited during the state of siege.

1 June 2001

Presidential Decree 8936 lifted the national state of emergency.

Source: International news agencies.

Peru

4 January 2000

The state of emergency was established and extended in various districts, provinces and departments of Peru, due to civil unrest.

Information was received on the derogation from articles 12, 17, 21 and 29 of the Covenant.

2 March 2000

The state of emergency was extended in several provinces of Peru during the months of January and February 2000, in response to continuing civil unrest and in order to complete the process of pacification in these areas of the country, and in particular in order to ensure the rational use of natural resources, particularly timber in the area of Tahuamanú Province in the Department of Madre de Dios.

Information was received on the derogation from articles 9, 12, 17 and 21 of the Covenant.

4 July

The state of emergency was established for a period of 30 days in the Iñapari district, Tahuamanu Province, Department of Madre de Dios. The decree stipulated that the measure was necessary to protect citizens and ensure peace and internal order in view of the presence of subversive armed groups.

Information was received on the derogation from articles 9, 12, 17 and 21 of the Covenant.

The state of emergency in force in several areas of the country was rescinded.

Source: Notifications of the Government to the United Nations Secretary-General dated 1 February, 4 January, 28 April and 25 July 2000; concluding observations of the Human Rights Committee, 1 November 2000.

Philippines

On 1 May 2001, the President declared a state of rebellion to cover Manila, the capital, due to violent street demonstrations. On 7 May 2001, the state of rebellion was lifted.

Source: International news agencies.

Russian Federation

16 August 1999

The President of the Republic of Chechnya declared a state of emergency with a 30-day duration that included a curfew to deal with an escalating military conflict.

Sudan

3 January 2001

The national state of emergency in place was extended for a year. This measure has been in effect since December 1999, when Parliament was dissolved and parts of the Constitution suspended.

Source: (IRIN).